

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**HOSPITAL HOUSEKEEPING
SYSTEMS, LLC**

V.

GEMINI INSURANCE COMPANY

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CIVIL ACTION NO. 1:19-CV-00514

DEFENDANT GEMINI INSURANCE COMPANY'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, Gemini Insurance Company ("Gemini"), the defendant in the above-entitled and numbered cause, and file this its notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.
STATE COURT ACTION**

1. This case was initially filed on March 29, 2019 in the 22nd Judicial District Court of Hays County, Texas. The state court action is styled: Cause No. 19-0754; Hospital Housekeeping Systems, LLC vs. Gemini Insurance Company; in the 22nd Judicial District Court of Hays County, Texas.

**II.
PARTIES**

2. The plaintiff, Hospital Housekeeping Systems, LLC, is a Texas limited liability company with its principal place of business in Hays County, Texas.

3. The defendant, Gemini Insurance Company, is a Delaware corporation with its principal place of business in the State of Arizona.

III.
JURISDICTION

4. This Court has jurisdiction over the subject matter of this cause pursuant to 28 U.S.C. § 1332 because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

5. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the state court action was filed.

IV.
TIMELINESS

6. Gemini Insurance Company was served with process and the plaintiff's original petition on April 18, 2019. Thirty days have not elapsed since Gemini Insurance Company was served with process. Accordingly, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

V.
ATTACHMENTS

7. Pursuant to 28 U.S.C. § 1446(a), the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil cover sheet;
- b. Exhibit B: Supplement to JS 44 civil cover sheet;
- c. Exhibit C: Copies of all executed processes in the case, if any;
- d. Exhibit D: Copies of all pleadings asserting causes of action and all answers to such pleadings;

- e. Exhibit E: Copies of all orders signed by the state court judge, if any;
- f. Exhibit F: A copy of the state court docket sheet; and
- g. Exhibit G: An index of matters being filed.

VI.
CONDITIONS PRECEDENT

8. The defendant has tendered the filing fee required by the Clerk of the United States District Court for the Western District of Texas, Austin Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 22nd Judicial District Court of Hays County, Texas, and all counsel of record are being provided with complete copies.

VII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Gemini Insurance Company respectfully requests that the above action, styled: Cause No. 19-0754; Hospitality Housekeeping Systems, LLC vs. Gemini Insurance Company; in the 22nd District Court of Hays County, Texas, be removed to this Court.

[SIGNATURE BLOCK ON NEXT PAGE]

Respectfully submitted,

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/s/ Greg C. Wilkins

Greg C. Wilkins
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**ATTORNEY FOR DEFENDANT,
GEMINI INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I do hereby certify that on the 13th day of May, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to all known counsel of record by certified mail, return receipt requested.

/s/ Greg C. Wilkins

Greg C. Wilkins